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CMS: A Small State Perspective

Stephen S. Ours
State of Delaware
Dept. of Natural Resources &
Environmental Control

Summary of Delaware's CMS Commitments

- Commit to onsite FCEs at all major sources once every two years. Perform FCEs at major sources as needed more frequently.
- Handle all synthetic minor sources as if their PTE is $\geq 80\%$ of major source threshold.
- List minimum frequencies for SMs (5 years) in AFS, but commit to more frequent FCEs at those sites (FCEs every 2-3 years) in submittal to Region III.
- 1 megasite is identified
- Include area source MACT workplan goals in CMS submittal to Region III.

FCEs and PCEs

- All Delaware FCEs include onsite inspections.
- Delaware enters PCEs into AFS though they are not a minimum data requirement.
- Several PCEs (on and offsite – but at least one onsite) may lead to an FCE. In this case, the final PCE, even if not a site visit, is listed as an onsite FCE in AFS.

Success/Concern #1: Inspection Frequency Reduction

- One of the goals of the new CMS was to clarify definitions. The old term “Level II or greater inspection” was interpreted differently by different people. For example, a stack test of a single unit was a Level III inspection by the old definition. This would not, now, be considered an FCE.
- Due to these clarifications, the number of FCEs has decreased somewhat in comparison to the number of “Level II or greater inspections”, but the data is more consistent and accurate.
- Also, the number of PCEs has increased over the number of old “General Inspections”.

Success/Concern #2: Stack Tests and Their Results

- Delaware has been reporting stack tests performed to AFS for many years as a result of a recurring 105 Grant commitment to EPA Region III.
- Switching to reporting on a pollutant basis rather than a sampling event basis, while inconvenient, was not difficult – though it contributes to running out of action numbers.
- Switching to all Pass/Fail results has proven impossible.

Recommendation #1: Stack Test Results Options Needed

- Passed
- Failed
- Results not Accepted
 - For use when a stack test was performed/observed, etc., but deemed invalid due to sampling technique errors or failure to follow reference method or sampling protocol.

Recommendation #1 (continued): Stack Test Results Options Needed

- Achieved
 - For use when the stack test was performed to identify emissions, develop a permit limit, confirm the validity of emissions calculations, etc., but not specifically to determine compliance with an existing limit.
- Pending
 - For use subsequent to completion of the test, but prior to receipt and review of results by the regulatory agency.

Title V Annual Certifications

- Delaware enters the receipt of the Annual Certification using the “CB” action code.
- The “SN” action code is used to report the State review of the Annual Certification.
- Due to problems with our State database (i-STEPS), we have been unable to use the RDE8 field to upload the existence/absence of reported deviations. We are converting to a new database developed in-house.

Title V Annual Certifications (continued)

- We attempt to use the results codes “MC” (in compliance), “MV” (in violation”, and “MU” (unknown) for results of the review, but the definition of a “violation” is not clear.
 - Does this determination refer to the submittal requirements (ie. Timely and Complete)?
 - Does this determination refer to whether deviations significant enough to rise to the level of violations were reported?

Title V Semi-annual Reports

- Delaware also enters receipt and review of Title V semi-annual reports.
- Receipt is denoted with a Region III only code of “85” – Semi-Annual Report
- Review is denoted with the use of an offsite PCE (code “PX”).

Conclusions

- Delaware has been able to implement many aspects of the new CMS successfully BUT...
 - Limited Action Numbers
 - Stack Test Results Codes
 - Title V Certification Review Results Definitions
- Are all still problems.